



General Assembly

February Session, 2010

Amendment

LCO No. 4510

HB0530604510HD0

Offered by:

REP. RITTER, 38th Dist.

REP. BYE, 19th Dist.

REP. BOUKUS, 22nd Dist.

SEN. HARRIS, 5th Dist.

To: Subst. House Bill No. 5306

File No. 319

Cal. No. 174

**"AN ACT CONCERNING THE OPERATION OF CHILD DAY CARE
CENTERS AND GROUP DAY CARE HOMES IN PUBLIC
SCHOOLS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 19a-79 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The Commissioner of Public Health shall adopt regulations, in
6 accordance with the provisions of chapter 54, to carry out the purposes
7 of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive,
8 and to assure that child day care centers and group day care homes
9 shall meet the health, educational and social needs of children utilizing
10 such child day care centers and group day care homes. Such
11 regulations shall (1) specify that before being permitted to attend any

12 child day care center or group day care home, each child shall be
13 protected as age-appropriate by adequate immunization against
14 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
15 hemophilus influenzae type B and any other vaccine required by the
16 schedule of active immunization adopted pursuant to section 19a-7f,
17 including appropriate exemptions for children for whom such
18 immunization is medically contraindicated and for children whose
19 parents object to such immunization on religious grounds, (2) specify
20 conditions under which child day care center directors and teachers
21 and group day care home providers may administer tests to monitor
22 glucose levels in a child with diagnosed diabetes mellitus, and
23 administer medicinal preparations, including controlled drugs
24 specified in the regulations by the commissioner, to a child receiving
25 child day care services at such child day care center or group day care
26 home pursuant to the written order of a physician licensed to practice
27 medicine or a dentist licensed to practice dental medicine in this or
28 another state, or an advanced practice registered nurse licensed to
29 prescribe in accordance with section 20-94a, or a physician assistant
30 licensed to prescribe in accordance with section 20-12d, and the written
31 authorization of a parent or guardian of such child, (3) specify that an
32 operator of a child day care center or group day care home, licensed
33 before January 1, 1986, or an operator who receives a license after
34 January 1, 1986, for a facility licensed prior to January 1, 1986, shall
35 provide a minimum of thirty square feet per child of total indoor
36 usable space, free of furniture except that needed for the children's
37 purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens,
38 halls, isolation room or other rooms used for purposes other than the
39 activities of the children, (4) specify that a child day care center or
40 group day care home licensed after January 1, 1986, shall provide
41 thirty-five square feet per child of total indoor usable space, (5)
42 establish appropriate child day care center staffing requirements for
43 employees certified in cardiopulmonary resuscitation by the American
44 Red Cross, the American Heart Association, the National Safety
45 Council, American Safety and Health Institute or Medic First Aid
46 International, Inc., (6) specify that on and after January 1, 2003, a child

47 day care center or group day care home (A) shall not deny services to a
48 child on the basis of a child's known or suspected allergy or because a
49 child has a prescription for an automatic prefilled cartridge injector or
50 similar automatic injectable equipment used to treat an allergic
51 reaction, or for injectable equipment used to administer glucagon, (B)
52 shall, not later than three weeks after such child's enrollment in such a
53 center or home, have staff trained in the use of such equipment on-site
54 during all hours when such a child is on-site, (C) shall require such
55 child's parent or guardian to provide the injector or injectable
56 equipment and a copy of the prescription for such medication and
57 injector or injectable equipment upon enrollment of such child, and (D)
58 shall require a parent or guardian enrolling such a child to replace
59 such medication and equipment prior to its expiration date, and (7)
60 specify that on and after January 1, 2005, a child day care center or
61 group day care home (A) shall not deny services to a child on the basis
62 of a child's diagnosis of asthma or because a child has a prescription
63 for an inhalant medication to treat asthma, and (B) shall, not later than
64 three weeks after such child's enrollment in such a center or home,
65 have staff trained in the administration of such medication on-site
66 during all hours when such a child is on-site, and (8) establish physical
67 plant requirements for licensed child day care centers and licensed
68 group day care homes that exclusively serve school-age children.
69 When establishing such requirements, the department shall give
70 consideration to child day care centers and group day care homes that
71 are located in private or public school buildings. With respect to this
72 subdivision only, the commissioner shall implement policies and
73 procedures necessary to implement the physical plant requirements
74 established pursuant to this subdivision while in the process of
75 adopting such policies and procedures in regulation form. Until
76 replaced by policies and procedures implemented pursuant to this
77 subdivision, any physical plant requirement specified in the
78 department's regulations that is generally applicable to child day care
79 centers and group day care homes shall continue to be applicable to
80 such centers and group day care homes that exclusively serve school-
81 age children. The commissioner shall print notice of the intent to adopt

82 regulations pursuant to this subdivision in the Connecticut Law
83 Journal not later than twenty days after the date of implementation of
84 such policies and procedures. Policies and procedures implemented
85 pursuant to this subdivision shall be valid until the time final
86 regulations are adopted.

87 (b) The Commissioner of Public Health may adopt regulations,
88 pursuant to chapter 54, to establish civil penalties of not more than one
89 hundred dollars per day for each day of violation and other
90 disciplinary remedies that may be imposed, following a contested-case
91 hearing, upon the holder of a license issued under section 19a-80 to
92 operate a child day care center or group day care home or upon the
93 holder of a license issued under section 19a-87b to operate a family day
94 care home.

95 (c) The Commissioner of Public Health shall exempt Montessori
96 schools accredited by the American Montessori Society or the
97 Association Montessori Internationale from any provision in
98 regulations adopted pursuant to subsection (a) of this section which
99 sets requirements on group size or child to staff ratios or the provision
100 of cots.

101 [(d) Any child day care center or group day care home that operates
102 in a public school building and serves exclusively school-age children
103 may apply for a variance to the physical plant requirements adopted
104 as regulations pursuant to subsection (a) of this section on a form and
105 in the manner prescribed by the Commissioner of Public Health. The
106 commissioner may not grant a variance under this subsection unless
107 (1) the operator of a child day care center or group day care home
108 provides documentation to the commissioner that the intent of the
109 specific requirement or requirements affected by the variance will be
110 satisfactorily achieved in a manner other than that prescribed by the
111 regulations, and (2) the child day care center or group day care home
112 and the Department of Public Health enter into a written agreement
113 specifying the physical plant requirement or requirements affected by
114 the variance, the duration of the variance and the terms under which

115 the variance is granted. If a child day care center or group day care
116 home fails to comply with the terms of such written agreement, the
117 agreement and the variance shall be subject to immediate cancellation.
118 Any operator of a child day care center or group day care home who is
119 granted a variance under this section shall post such variance in close
120 proximity to the operator's license and, at the time of enrollment of any
121 child in the child day care center or group day care home, and
122 annually thereafter, notify the child's parents or guardians of such
123 variance. Such notification shall include the specific physical plant
124 requirement or requirements for which the variance has been granted
125 and an explanation of how the child day care center or group day care
126 home will achieve the intent of the specific requirement or
127 requirements affected by the variance in a manner that protects the
128 health and safety of the children enrolled in the child day care center
129 or group day care home.]"

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	19a-79
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